



Harry Reid, Majority Leader

Charles E. Schumer, Conference Vice Chair and DSCC Chair

COMMITTED TO ELECTING A DEMOCRATIC SENATE

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Democratic Senatorial Campaign Committee  
120 Maryland Ave, NE  
Washington, DC 20002

Complainant,

v.

Americans for Limited Government Research Foundation  
9900 Main Street  
Suite 303  
Fairfax, VA 22031,

Americans for Limited Government, Inc.  
9900 Main Street  
Suite 303  
Fairfax, VA 22031,

Howard Rich  
73 Spring St.  
New York, NY 10012,

Respondents.

**COMPLAINT**

Complainant files this complaint under 2 U.S.C. § 437g(a)(1) against Americans for Limited Government Research Foundation, Americans for Limited Government, Inc., and their Chairman, Howard Rich ("Respondents") for violations of the Federal Election Campaign Act, as described below.

120 Maryland Avenue, NE • Washington, DC 20002 • 202-224-2447

Contributions to the DSCC are not deductible as charitable contributions for federal income tax purposes.

Paid for by the Democratic Senatorial Campaign Committee, www.dccc.org, and not authorized by any candidate or candidate's committee.

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

MUR # 6096

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**A. FACTS**

Americans for Limited Government Research Foundation is a 501(c)(3) organization that is incorporated under the laws of Delaware. Americans for Limited Government, Inc. is a 501(c)(4) organization and is also incorporated under the laws of Delaware. Both entities share the same mailing address and the same chairman, president, and secretary. Howard Rich serves as the chairman of both organizations. Americans for Limited Government's website can be viewed at [www.getliberty.org](http://www.getliberty.org). According to the website, Americans for Limited Government is an organization that supports "principles of limited government" and "work[s] with local groups across the nation to promote freedom, limited government, and the principles of the U.S. Constitution."

On or about October 8, 2008, Mr. James Ross received a threatening letter on "Americans for Limited Government Foundation" letterhead that was signed by "Howard Rich, Chairman."

Attachment A. The letter read in relevant part,

As a donor to one or more ["left-wing"] organizations and efforts, you have been able to engage in these activities without notice, operating in relative obscurity. I am writing to inform you that this will no longer be the case.

Your name has been put in our database. We are monitoring all reports of a wide variety of leftist organizations. As your name appears in subsequent reports, it is our intent to publicize your involvement in your local community. Should any of these organizations be found to be engaged in illegal or questionable activity, it is our intent to publicize your involvement with those activities. . . .

By referring to Mr. Ross's ability to "operat[e] in relative obscurity," the letter appears to suggest that Mr. Ross has made contributions to so-called 527 groups, which do not report their donors to the FEC.

A search of the IRS 527 contributor database indicates that Mr. James Ross has never made a donation to any 527 organization. Mr. Ross has, however, donated money to the

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Democratic Senatorial Campaign Committee ("DSCC"), a qualified party committee that is registered with the FEC. A number of the DSCC's other donors have received the same or similar threat letters from Respondents. It is unclear how Respondents could have obtained the names and personal addresses of DSCC's voters other than from the DSCC's FEC filings.

Complainant thus alleges that Respondents obtained Mr. Ross's name and address and the names and addresses of other DSCC donors from the DSCC's FEC filings.

**B. LEGAL ARGUMENT: RESPONDENT HAVE ILLEGALLY USED FEC REPORTS TO MAKE THREATENING COMMUNICATIONS TO INDIVIDUAL DONORS.**

FECA provides that the Commission must make reports and statements filed with it available to the public for inspection and copying within 48 hours after receipt. It is illegal, however, to use or sell information copied from such reports "for the purpose of soliciting contributions or for commercial purposes." 2 U.S.C. § 438(a)(4); *see also* 11 C.F.R. § 104.15(a). In drafting this prohibition, Congress was concerned that the Act's reporting requirements would "open up the citizens who are generous and public spirited enough to support out political activities to all kinds of harassment . . . ." 117 Cong. Rec. 30057 (1971) (statement of Senator Bellmon).

In light of this legislative history, the Commission has read section 438(a)(4) as "a broad prophylactic measure intended to protect the privacy of the contributors about whom information is disclosed in FEC public records." Advisory Op. 2003-24. For example, in Advisory Opinion 2003-24, the Commission found that it was impermissible for a nonprofit organization to, *inter alia*, use FEC records to send contributors communications that (a) provided information about the health effects of smoking and tobacco regulation, or (b) urged recipients to contact Federal officeholders concerning these subjects. The Commission reasoned that these communications

would target the very persons Congress intended to protect for the very reasons Congress intended to protect them. . . . Although not all the proposed communications are for fundraising purposes, all the proposed communications present the possibility of repetitive and intrusive communications to contributors. Such activity would fall within the realm of "harassment" Congress wanted to prevent.

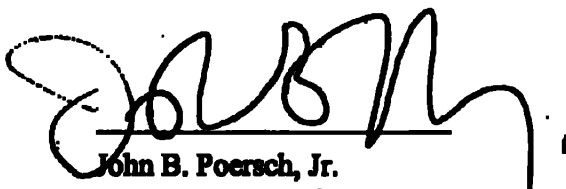
*Id.*

Assuming that Respondents obtained Mr. Ross's and the other recipients' names and addresses from the DSCC's FEC reports, they have violated section 438(a)(4). Respondents' egregious conduct in precisely the type of harassment that Congress intended to prevent under section 438(a)(4). Respondents have singled out the recipients solely because they have exercised their First Amendment right to make campaign contributions to a committee that Respondents oppose. Their letter is clearly intended to intimidate the recipients and chill protected expressive activity. Further, the letter is not merely an isolated contact. Instead, it indicates that the Respondents will continue to intrude upon the recipients' privacy, monitoring their future political contributions and activities, and promises future harassment should the recipients continue to contribute to groups that Respondents oppose. Provided that Respondents obtained the recipients' names and addresses from reports that were filed with the FEC, this behavior is a clear violation of section 438(a)(4).

#### **C. REQUESTED ACTION**

As we have shown, the Respondents may have violated the Federal Election Campaign Act by using information contained in FEC disclosure reports to threaten and harass individual contributors. We request that the Commission investigate how Respondents obtained Mr. Ross's and the other recipients' names and addresses. Should the Commission determine that Respondents have violated FECA, we respectfully request that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

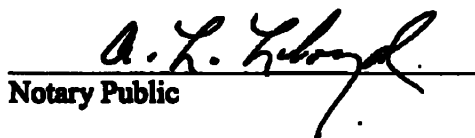
Sincerely,



John B. Poersch, Jr.

Executive Director

SUBSCRIBED AND SWORN to before me this 13 day of October, 2008.



Notary Public

My Commission Expires:

2-28-2009

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**AMERICANS FOR  
LIMITED GOVERNMENT  
FOUNDATION**

WWW.GETLIBERTY.ORG

9900 Main Street  
Suite 303  
Fairfax, VA 22031  
Phone: 703.763.4880  
Fax: 703.763.5284  
info@getliberty.org

Mr. James Ross

New York, NY 10021

Dear Mr. Ross,

Recently a new left-wing organization announced that it would be targeting donors to conservative, free-market organizations. The major press announcement stated that the organization intended to engage in such activities as "public exposure," having "watchdog groups digging through the lives" of these individuals, and "possible legal trouble."

As someone who has been put through that abuse over the years, I can tell you from first-hand experience that it is not fun and not something to take lightly. I have supported groups and efforts that I believe will push back against the radical agenda of the Left. And, I have paid the price for it, in attacks, slurs and threats.

As a donor to one or more of these organizations and efforts, you have been able to engage in these activities without notice, operating in relative obscurity. I am writing to inform you that this will no longer be the case.

Your name has been put in our database. We are monitoring all reports of a wide variety of leftist organizations. As your name appears in subsequent reports, it is our intent to publicize your involvement in your local community. Should any of these organizations be found to be engaged in illegal or questionable activity, it is our intent to publicize your involvement with these activities. You should know that instances of coordinated voter fraud are surfacing all across America and investigations into possible criminal coordination are underway.

For your review, I have enclosed a memorandum from our legal counsel.

Sincerely,

Howard Rich  
Chairman

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